

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16571 of 2019

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Bhagirath Prasad Singh Son of late Amar Prasad Singh, Resident of Village-
Mor, P.S. Mokama, District- Patna.

... .. Petitioner/s

Versus

1. Thee Bihar State Road Transport Corporation, through its Administrator,
Sultan Palace, Patna-1
2. The Managing Director, Bihar State Road Transport Corporation, Sultan
Palace, Patna-1
3. The Chief Accounts Officer, Bihar State Road Transport Corporation Sultan
Palace, Patna-1
4. The Divisional Director, Bihar State Road Transport Corporation,
Muzaffarpur Division, Muzaffarpur.
5. The Depot Superintendent, Bihar State Road Transport Corporation,,
Hajipur Depot, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Satyendra Narayan Singh, Adv.
For the Respondent/s : Mr.Prabhat Kumar Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 17-06-2020

The matter has been listed today for consideration
through Video Conferencing.

Learned counsel for the petitioner and the State are
appearing and making submissions from their residence. The
Court Master and Secretary are also part of this virtual court
proceedings from their homes, all with the aid of audio visual
technology.

Heard learned counsel for the parties.

The writ petition has been filed raising claim for grant of
interest on the retiral dues under the different heads.



The brief facts is that the petitioner voluntarily retired on 31.12.1998 while serving as a Conductor at the Hazipur Depot of the Respondent- Bihar State Road Transport Corporation (for short 'BSRTC'). The petitioner filed a writ petition bearing C.W.J.C. No. 9460 of 2000 for retiral dues. The same was disposed off on 26.11.2002 taking note of a Scheme formulated by the Hon'ble Apex Court for payment of retiral dues to employees of the Respondent-Corporation, with a direction that the respondent-Corporation should pay the retiral dues of the petitioner in light of the Scheme and subject to availability of funds. The petitioner, thereafter, filed a contempt application alleging non-compliance of the order passed in C.W.J.C. No. 9460 of 2000. The Court, considering the petitioner's contempt application, disposed off the Contempt proceedings by order dated 18.04.2019 passed in MJC No. 3422 of 2013. While disposing of the petitioner's contempt application, this Court took notice of the submissions advanced by petitioner's counsel that some amount remained outstanding and that he is entitled for interest for the delayed payments. Liberty, however, was granted to approach the appropriate forum in accordance with law.

The instant writ petition, thereafter, has been filed praying



for grant of 12% interest on the retiral dues under different heads to the petitioner.

The Respondent-Corporation has filed a counter affidavit. It is the specific stand of the Respondent-Corporation that interest upon the Provident Fund has been paid amounting to Rs. 1,84,686/- . In respect of the other dues paid belatedly, the Respondent- Corporation has taken a specific stand that no statutory interest is provided for payment of the other dues belatedly. The Respondent-Corporation has also stated in the counter affidavit that owing to acute and continued financial crisis for a long time, the package/Scheme was approved by the Hon'ble Apex Court regarding payment of retiral dues of the retired employees of the Corporation.

In these circumstances, it is submitted that the Respondent-Corporation cannot be saddled with any interest.

This Court would take note of the fact that this Court has not granted the petitioner any interest in his earlier writ proceedings arising out of CWJC No. 9460 of 2000, for payment of retiral dues. It would be relevant to observe here that payments were to be made as per scheme formulated by the Apex Court, which has been taken note of by this Court in order dated 26.11.2002 passed on the petitionr's earlier writ petition



(CWJC No. 9460 of 2000). The order is Annexure-4 to the instant writ proceeding. It is not the petitioner's case in the instant proceedings, any where in the pleadings that payments have not been made as per scheme framed under the discretion of the Apex Court.

Even in the Contempt proceedings arising out of M.J.C. No. 3422 of 2013, this Court, after considering the petitioner's claim for interest, had allowed him liberty to agitate/ventilate before an appropriate Forum.

The petitioner, therefore, could not have approached this Court by a successive writ petition. The liberty granted in the order dated 18.04.2019 passed in M.J.C. No. 3422 of 2013 shall still be available to the petitioner. He may agitate his claim for interest before an appropriate Forum in accordance with law.

The writ petition is dismissed.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	24.06.2020
Transmission Date	

